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Filed 2 May 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

BRAD A. ARMSTRONG

Junior Party
(Patent 6,198,473),

v.

**MANOLITO E. ADAN, TODD E. HOLMDAHL,
MICHAEL R. HOONING, STEVEN T. KANEKO,
TERRY M. LIPSCOMB, and ROBERT SCOTT PLANK**

Senior Party
(Applications 09/998,305 and 10/004,663).

Patent Interference No. 105,604 (SCM)
(Technology Center 2600)

DECLARATION - Bd.R. 203(b)¹

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 **Part A. Declaration of interference**

2 An interference is declared (35 U.S.C. § 135(a)) between the above-
3 identified parties. Details of the application(s), patent (if any), reissue application
4 (if any), count(s) and claims designated as corresponding or as not corresponding
5 to the count(s) appear in Parts E and F of this DECLARATION.

6 **Part B. Judge managing the interference**

7 Administrative Patent Judge Sally C. Medley has been designated to manage
8 the interference. Bd. R. 104(a).

9 **Part C. Standing order**

10 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
11 DECLARATION. The STANDING ORDER applies to this interference.

12 **Part D. Initial conference call**

13 A telephone conference call to discuss the interference is set for **11:00 a.m.**
14 **on 26 June 2008** (the Board will initiate the call).

15 No later than **four business days** prior to the conference call, each party
16 shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd.
17 R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

18 A sample schedule for taking action during the motion phase appears as
19 Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the

1 schedule prior to the conference call and to agree on dates for taking action. A
2 typical motion period lasts approximately eight (8) months. Counsel should be
3 prepared to justify any request for a shorter or longer period.

4 **Part E. Identification and order of the parties**

5
6 Junior Party

7
8 Named Inventors: BRAD A. ARMSTRONG, Paradise, CA
9
10 Involved Patent: U.S. Patent 6,198,473, issued 6 March 2001, based
11 on application 09/167,314, filed 6 October 1998
12
13 Title: Computer mouse with enhance control button(s)
14
15 Assignee: none
16

17 Senior Party

18
19 Named Inventors: MANOLITO E. ADAN, Woodinville, WA
20 TODD E. HOLMDAHL, Bothell, WA
21 MICHAEL R. HOONING, Seattle, WA
22 STEVEN T. KANEKO, Seattle, WA
23 TERRY M. LIPSCOMB, Bellevue, WA
24 ROBERT SCOTT PLANK, Bellevue, WA
25
26 Involved Applications: 09/998,305, filed 3 December 2001
27 10/004,663, filed 4 December 2001
28
29 Title: Input device with forward/backward control
30
31 Assignee: Microsoft
32

1 The senior party is assigned exhibit numbers 1001-1999. The junior party is
2 assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior
3 party is responsible for initiating settlement discussions. SO ¶ 126.1.

4 **Part F. Count and claims of the parties**

5
6 Count 1

7
8 Claims 30 or 32 of Adan's Application 09/998,305

9
10 or

11
12 Claims 16 or 20 of Armstrong's U.S. Patent 6,198,473

13
14 The claims of the parties are:

15 Armstrong: 1-28

16 Adan '305: 30-33

17 Adan '663: 18, 20-23, and 36-45

18 The claims of the parties which correspond to Count 1 are:

19 Armstrong: 16-28

20 Adan '305: 30-33

21 Adan '663: 18, 20-23, and 36-45

22 The claims of the parties which do not correspond to Count 1, and therefore
23 are not involved in the interference, are:

24 Armstrong: 1-15

25 Adan '305: none

26 Adan '663: none

27 The parties are accorded the following benefit for Count 1:

1 Armstrong: none

2 Adan '305: 09/153,148, filed 14 September 1998

3 Adan '663: 09/153,148, filed 14 September 1998

4 **Part G. Heading to be used on papers**

5 The following heading must be used on all papers filed in this interference,
6 see SO & 106.1.1:

7
8 UNITED STATES PATENT AND TRADEMARK OFFICE

9
10
11 BEFORE THE BOARD OF PATENT APPEALS
12 AND INTERFERENCES

13
14
15 BRAD A. ARMSTRONG

16 Junior Party
17 (Patent 6,198,473),

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19 v.

20
21 MANOLITO E. ADAN, TODD E. HOLMDAHL,
22 MICHAEL R. HOONING, STEVEN T. KANEKO,
23 TERRY M. LIPSCOMB, and ROBERT SCOTT PLANK

24 Senior Party
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27
28
29 Patent Interference No. 105,604 (SCM)
30 (Technology Center 2600)
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Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

/Sally C. Medley/
Administrative Patent Judge

Enc:

Copy of STANDING ORDER
Form PTO-850
Copy U.S. Patent 6,198,473
Copy of claims of 09/998,305
Copy of claims of 10/004,663

Revised 3 January 2006

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